UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,852	01/15/2002	Hiroshi Matoba	15210	5935

23389   7590   09/15/2009
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER
TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/09/09*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 22-31* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed June 09, 2009 have been fully considered but they
are not persuasive.

Applicant argument regarding the new added limitation to the claims; in response
the examiner respectfully disagrees since the system have an option automatically to
update or record the broadcast schedule information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

Claim 1-5, 7-8, 22-27, 29-30 and 38 are rejected under 35 U.S.C 102(e) as
being anticipated by Knudson et al. (US 2005/0273819)

Regarding Claim 1: Knudson et al. discloses, a method of selecting a program which
meets a user's taste from broadcast programs and recording the selected program in
automatic broadcast recording apparatus in a system having a server and the
automatic broadcast recording apparatus, comprising the steps of: at a server

(paragraph 0048): disclosing timer recording pattern information for recording

broadcast programs **(Abstract)** recommended by at least one opinion leader

(paragraph 0048); at each of automatic broadcast recording apparatus: acquiring timer

recording pattern information of the one of the opinion leader selected by user

(Abstract); setting timer recording for one of the broadcast programs determined by a

logic operation performed on using timer recording pattern information **(Abstract)**; and

receiving the one broadcast program set for timer recording and recording the received

program **(Abstract)**.

Regarding Claim 2-3: Knudson et al. discloses broadcast programs include video data

and audio data **(Abstract)**.

Regarding Claim 4: Knudson et al. discloses, a method according to claim 1, further

comprising the step of: acquiring program information including identification codes of

the broadcast programs and broadcasting dates and times thereof at each of automatic

broadcast recording apparatus **(Abstract)**; wherein timer recording pattern information

includes identification codes of the programs recommended by the opinion leader

selected by the user **(Abstract and paragraph 0087);** and wherein step of setting timer

recording includes the step of selecting the program from program information

(Abstract).

Regarding Claim 5: Knudson et al. discloses, a method according to claim 1, wherein

timer recording pattern information includes start-of-program times and end-of-program

times of the programs recommended by the opinion leader selected by the user

(paragraph 0087 and fig. 10a); and wherein the step of setting timer recording includes the step of selecting the program from the start-of-program time and end-of-program time thereof **(Abstract and Fig. 10)**.

<u>**Regarding Claim 6**</u>: Knudson et al. discloses the method of claim 1, further comprising the step of: at each of automatic broadcast recording apparatus: recording a playback history including information of whether the recorded program is played back or not **(paragraph 0087)**; and selecting an opinion leader who meets the user's taste based on playback history **(paragraph 0087)**.

<u>**Regarding Claim 7**</u>: Knudson et al. discloses the method of claim 1, further comprising the steps of: recording a timer recording history including information Of programs set for timer recording **(Abstract and paragraph 0087)**; and selecting an opinion leader who meets the user's taste based on timer recording history **(paragraph 0087).**

<u>**Regarding Claim 8**</u>: Knudson et al. discloses a method of claim 1, further comprising the steps of: at each of automatic broadcast recording apparatus: recording a recording history including information of recorded programs **(Abstract and paragraph 0006)**; and selecting an opinion leader who meets the user's taste based on recording history **(paragraph 0087).**

<u>**Regarding Claim 9**</u>: Knudson et al. discloses a method of selecting a program which meets a user's taste from broadcast programs and recording the selected program in an automatic broadcast recording apparatus in a system having a server and the automatic broadcast recording apparatus, comprising the steps of: at server **(paragraph 0087)**:

disclosing timer recording pattern information for recording broadcast programs

recommended by at least one opinion leader **(paragraph 0087)**: at each of automatic

broadcast recording apparatus: acquiring timer recording pattern information of one of

the opinion leaders selected by user **(paragraph 0087)**; setting timer recording for one

of the broadcast programs <u>determined by</u> using <u>a logic operation performed on</u> timer

recording pattern information **(Abstract)**; receiving the <u>one broadcast</u> program set for

timer recording and recording the received program acquiring program information

including identification codes of the broadcast programs

and broadcasting dates and times thereof **(paragraph 0087)**; and confirming the

broadcasting date and time of a program to be recorded from program information when

the program information is acquired, and correcting the broadcasting date and

time if the broadcasting date and time have been changed **(paragraph 0087)**, wherein

said timer recording pattern information includes the identification codes of the

programs recommended by the opinion leader selected by the user and said step, of

setting timer recording includes the step of selecting the program from program

information **(paragraph 0087)**.

Regarding Claim 22: Knudson et al. discloses a method of selecting a program which

meets a user's taste from broadcast programs and recording the selected program in

automatic broadcast recording apparatus in a system having a server and the automatic

broadcast recording apparatus, comprising the steps of: at server **(paragraph 0087)**:

disclosing timer recording pattern information for recording programs selected according

to respective predetermined selecting standards from the broadcast programs

(paragraph 0070); at each of automatic broadcast recording apparatus: acquiring timer recording pattern information selected by user **(paragraph 0070);** setting timer recording for a program determined by using a logic operation performed on timer recording pattern information **(Fig. 10 and Abstract);** and receiving the program set for timer recording and recording the received program **(paragraph 0084).**

Regarding claims 23-30: Claims 23-30 are rejected for the same subject matter as claims 1-8 respectively as discussed above.

Regarding Claim 31: Knudson et al. discloses an apparatus according to claim 26, wherein timer recording means confirms the broadcasting date and time of a program to be recorded from program information when the program information is acquired by information acquiring means, and corrects the broadcasting date and time if the broadcasting date and time has been changed **(paragraph 0087)**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621